

ASSEMBLY BILL

No. 918

**Introduced by Assembly Member Adams
(Coauthors: Assembly Members Carter, Davis, and Jones)**

February 26, 2009

An act to add Chapter 2 (commencing with Section 150) to Division 1 of the Welfare and Institutions Code, relating to charitable donations.

LEGISLATIVE COUNSEL'S DIGEST

AB 918, as introduced, Adams. Salvageable personal property: collection boxes.

Existing law makes it unlawful for any association of persons to engage, directly or indirectly, in the soliciting of donations or in selling salvageable personal property obtained by soliciting, except qualified charitable organizations, as described, that meet specified requirements.

Existing law authorizes counties and cities to impose additional requirements for the privilege of soliciting and selling salvageable personal property within their jurisdictions.

This bill would specify marking requirements on collection boxes, as defined, that are used for the solicitation and collection of donations of salvageable personal property in California. The bill would allow a local jurisdiction to prohibit a person or an eligible organization from placing, using, or employing a collection box for solicitation purposes if the collection box does not adhere to the disclosure requirements, and would specify that its provisions shall not be deemed to limit a local jurisdiction from adopting ordinances or regulations, regarding collection boxes that are more stringent than the provisions of the bill.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Chapter 2 (commencing with Section 150) is added to Division 1 of the Welfare and Institutions Code, to read:

CHAPTER 2. UNATTENDED COLLECTION BOXES

150. For purposes of this chapter, the following definitions shall apply:

(a) "Collection box" means an unattended cannister, box, receptacle, or similar device, used for soliciting and collecting donations of salvageable personal property.

(b) "Local jurisdiction" means a city, county, or city and county.

(c) "Eligible organization" means an organization that is either of the following:

(1) A nonprofit organization that is all of the following:

(A) Incorporated in, or, if a foreign corporation, registered to do business in, California.

(B) Current in reporting to the Secretary of State.

(C) Registered with, and current in reporting to, the Attorney General's Registry of Charitable Trusts.

(D) Exempt from taxation pursuant to Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code.

(2) A for-profit organization that is both of the following:

(A) Incorporated in, or, if a foreign corporation, registered to do business in, California.

(B) Current in reporting to the Secretary of State.

151. A collection box that is owned by an eligible organization or person that is used for the solicitation and collection of donations of salvageable personal property in California shall clearly and conspicuously display on its exterior all of the following information:

(a) The name, address, telephone number, and Internet Web address, if available, of the organization that owns the collection box.

(b) In at least two-inch type, a statement whether the collection box is owned and operated by a for-profit organization or a nonprofit organization.

1 (c) If the collection box is owned by a nonprofit organization,
2 the eligible organization's charitable trust number issued by the
3 Attorney General's Registry of Charitable Trusts.

4 (d) A statement describing the manner in which clothing or
5 other donations that are deposited in the collection box will be
6 used, sold, or disposed of, including the percentage of the revenue
7 obtained from the sale of the used goods that directly benefits the
8 charity on whose behalf the donations are solicited.

9 152. (a) A local jurisdiction may prohibit a person or an
10 eligible organization from placing, using, or employing a collection
11 box for solicitation purposes if the collection box does not adhere
12 to the disclosure requirements included in this chapter.

13 (b) Nothing in this chapter shall be deemed to limit a local
14 jurisdiction from adopting ordinances or regulations regarding
15 collection boxes that are more stringent than the provisions of this
16 chapter.

17 (c) Nothing in this chapter shall be deemed to supersede or in
18 any way limit the Department of Justice's existing authority over
19 fundraising for charitable purposes.